

24060. Misbranding of Dr. Fahrney's Liniment. U. S. v. 45 Bottles of Dr. Fahrney's Liniment. Default decree of condemnation and destruction. (F. & D. no. 32986. Sample no. 62247-A.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims on the label.

On June 26, 1934, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bottles of Dr. Fahrney's Liniment at Clarksburg, W. Va., alleging that the article had been shipped in interstate commerce on or about November 17, 1933, by D. Fahrney & Son, from Hagerstown, Md., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of turpentine oil and a sulphureted fatty oil.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Bottle label) "For Rheumatism, Weak Back, Swelled Joints * * * For Croup, rub the neck and breast well with the Liniment, and apply flannel around the neck and over the breast; the same for Tightness on the breast"; (circular) "The extraordinary effect that this Liniment has upon the human system * * * a cure is affected and often much of the swelling and inflammation is prevented. In all cases much rubbing is necessary for a good result—much rubbing means from fifteen to thirty minutes. This should be done in all cases at least once a day and where there is any numbness or pain, oftener is better. It is best done gently—always rubbing toward the heart * * * The Liniment must be applied freely; if an excess is kept on the parts the glands of skin are constantly stimulated to rapid absorption * * * According as it is kept wet with Liniment, so much faster does recovery advance. * * * Colds. * * * When it settles on the lungs or in the throat. * * * Take a piece of flannel large enough to cover double. Saturate this with the Liniment and apply to chest before, behind, over shoulders and under arms. If the throat is affected, put the same around the neck. In addition to the counter-irritant effect, the fumes are passing off all the time and inhaled through the throat and into the lungs which assists very materially. * * * Hoarseness. Or tightness in the throat or in the lungs is soon relieved by application of this Liniment as described above. It breaks down the inflammation, * * * and starts the proper secretion of fluids. It heals the soreness very rapidly. By using the Cough Syrup with Liniment many severe cases have been cured and even mild cases of consumption. Croup. Our Liniment comes nearest to being a specific for this disease, one of the most annoying of childhood. Use it the same as for sore throat, * * *. Cuts. * * *. Whatever the cut, put it in position, cover it with soft linen dressing and pour the Liniment on at once. Sometimes there is smarting for a short time, which soon passes away, and leaves the sore easy and comfortable. If the pieces have been fastened in proper position, the dressing need not be removed till the part is healed and well. * * * The quicker the Liniment is applied to bruises, the better * * * much of the congestion and accumulation of blood to the spot is prevented. This hinders the swelling and hence less work is to be done by the Liniment. Once the swelling is formed in a bruise, it solidifies and must be broken down and carried away. * * * Prompt application of Liniment also prevents the black and blue discoloration. * * * Any sprained joint * * * Weak backs * * * Neuralgia. Rheumatism. Everybody gets these diseases, effecting people in many different ways. There is a close connection between rheumatism and neuralgia, many cases cannot be separated. The constancy of pain at one point is often the only reason for calling it rheumatism. On the other hand, when the pain shifts from one point to another, as from the knee to the foot and then to the jaw, it is called neuralgia. But it is not determined that the cause of both is different. This one thing in common to both—pain—and it is no ordinary pain, often of the most excruciating character. For treatment, three points are important—heat, friction and application of our Peerless Liniment. Many cases of the severest form of both these diseases have been cured by the steady application of this Liniment. * * * It stimulates the circulation of the affected parts and acts on the nerves and muscles, renewing the cells and fibers to a healthy condition. When the pain is violent or severe, it is an excellent plan to cover the part with flannel after applying Liniment freely and then push a hot iron over the flannel—the iron

to be as hot as can be borne. Sciatica. This form of application will cure nearly all cases of Sciatica that awful form of combined neuralgia and rheumatism. It is called Sciatica because it affects the sciatic nerve the largest and longest nerve of the body, hence the trouble is worse than anywhere else. Some of the cases are stubborn and it is necessary to persist in the use of Liniment. It is sure to cure if properly applied and long enough. Whatever form of neuralgia or rheumatism you have, apply our Peerless Liniment and you will not be disappointed."

On February 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24061. Adulteration and misbranding of whisky. U. S. v. 52 Cases of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33012. Sample no. 66485-A.)

This case involved a product which was sold as medicinal whisky. Analysis showed that it failed to conform to the requirements of the United States Pharmacopoeia, and the package failed to bear on its label a statement of the percentage, by volume, of alcohol contained in the article.

On June 26, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 cases of whisky at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January 9, 1934, by the Old Kentucky Distillery, Inc., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Woodbury A Blend of Straight Whiskies For Medicinal Purposes Only."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the pharmacopoeial specifications in strength, quality, and purity. Misbranding was alleged for the reason that the statement on the label, "For Medicinal Purposes Only", was false and misleading. Misbranding was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of the alcohol contained in the article.

On November 26, 1934, the International Wine & Liquor Corporation, New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond, conditioned that it should not be disposed of until relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

24062. Misbranding of Miller's Rosy. U. S. v. 96 Packages of Miller's Rosy. Decree of condemnation and destruction. (F. & D. no. 33030. Sample no. 66557-A.)

This case involved an interstate shipment of a drug preparation that was misbranded because of unwarranted curative and therapeutic claims appearing on the cartons and in the circulars shipped with the article. The article was further misbranded since the alcohol present was not declared on the carton, and the declaration on the bottle label was inconspicuous.

On July 2, 1934, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 packages of Miller's Rosy at Alexandria, La., alleging that the article had been shipped in interstate commerce on or about May 14 and May 23, 1934, by John Miller, from Mobile, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of salicylic acid, olive oil, a volatile oil such as juniper oil, alcohol (33.4 percent), and water.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the cartons and in an accompanying circular, were false and fraudulent: (Carton) "For * * * Eczema * * * Ingrowing Nails, * * * Ulcers, Pimples * * * etc. For * * * Eczema"; (circular) "Remedy for * * * eczema * * * Preparations strong enough to knock out the diseases caused too much soreness, and those that did not cause soreness lacked the strength to cure. * * * Since the discovery of his preparation Mr. Miller has used it in treating * * * and the several forms of Eczema * * * barber' itch * * * ingrowing nails